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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION THREE

In re LEWIS M., a Person Coming Under  
the Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

LEWIS M.,

Defendant and Appellant.

A106539

(Solano County  
Super. Ct. No. J33748)

Lewis M. appeals from the juvenile court's jurisdictional and dispositional orders. (Welf. & Inst. Code, § 800.) His counsel has filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 that raises no issues and requests our independent review. We find no arguable issue and affirm.

**Factual and Procedural Background**

On February 23, 2004, the Solano County District Attorney filed a supplemental petition alleging that Lewis had committed a second degree robbery in violation of Penal Code section 211. At that time, Lewis was already a ward of the court, having admitted allegations of grand theft and assault by means of force likely to cause great bodily injury in November 2003.

The victim, the responding officer, and numerous witnesses testified at the contested jurisdictional hearing. The victim testified that he and a friend had been

walking down the street when Lewis and another boy approached him. Lewis wrapped his arms around him and the other boy asked to use his cell phone. When he said no, the boy punched him in the chest, Lewis grabbed his phone, and the two boys ran away. The victim and his friend went to the friend's house and called the police. The victim's friend confirmed the victim's testimony, disagreeing with respect to only one relevant fact. The friend testified that Lewis, not the other boy, asked to use the cell phone.

Officer Robert Knight responded to the victim's call to the police. He spoke to the victim and his friend individually and then took both boys in the back of the police car to look for the suspects. When they returned to the scene of the crime, the suspects were playing basketball in the street. The victim and his friend identified Lewis by his coat and sunglasses as the boy who had held the victim and snatched the phone, and they identified another boy by his face and clothing as the one who had hit the victim. Officer Knight searched the suspects but did not find the victim's cell phone. Shortly thereafter another boy returned the phone to Officer Knight, claiming to have found it on the ground.

Three witnesses testified in Lewis's defense. Two witnesses testified that Lewis was not involved in the robbery and that he did not take the victim's phone. Both witnesses placed him at least a block away from the victim at the time of the crime. Another witness testified that he was the one who gave the phone to Officer Knight, and that someone other than Lewis, who he did not know, took the phone from the victim and put it in his little brother's backpack.

At the conclusion of the hearing, the court denied Lewis's motion to dismiss the petition for insufficient evidence, and sustained the allegation that Lewis had committed a second degree robbery. The juvenile court followed the probation officer's recommended disposition and continued Lewis as a ward on probation in his mother's home. The court imposed an additional 100 hours of community service to the existing probation order. Lewis filed a timely notice of appeal.

### **Discussion**

We have conducted an independent review of the record and agree with counsel's assessment that there are no issues warranting further briefing in this case. The court's jurisdictional finding was supported by substantial evidence. Competent counsel represented Lewis throughout the proceedings. There was no error in the disposition proceedings or the disposition imposed.

### **Disposition**

The orders of the juvenile court are affirmed.

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Pollak, J.

We concur:

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McGuiness, P. J.

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Corrigan, J.

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